

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Brian J. Boyle *et al.*  
 ASSIGNEE : Hyseq, Inc.  
 SERIAL NUMBER : 09/676,135  
 FILING DATE : September 29, 2000  
 FOR : Methods and Materials Relating to Metallocarboxypeptidase-Like Polypeptides and Polynucleotides

Assistant Commissioner for Patents  
 Washington, D.C. 20231

June 5, 2001  
 Boston, Massachusetts

**RESPONSE TO NOTICE TO FILE MISSING PARTS, PRELIMINARY AMENDMENT AND  
 RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE LISTING REQUIREMENT  
 UNDER 37 CFR §§ 1.821 - 1.825**

Please amend the above-identified application as follows:

In the Specification:

Delete the Sequence Listing submitted with the Application filed September 29, 2000.

Insert the enclosed Substitute Sequence Listing at the end of the specification.

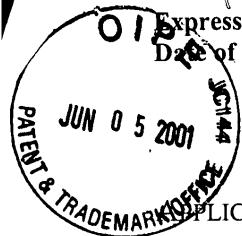
REMARKS

In response to the Notice To File Missing Parts mailed December 05, 2000, Applicants submit herein an executed Combined Declaration and Power of Attorney, check (#9104) in the amount of \$65.00 to cover the cost of the surcharge. Applicant's filed an executed Small Entity Statement with the application as filed on September 29, 2000, (a duplicate copy is enclosed herewith), accordingly Applicants believe no additional filing fees are due. The response is due June 5, 2001, with a four month extension of time. Enclosed herewith is a petition for a four month extension of time and a check (#9105) in the amount of \$ 695.00.

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit herewith a substitute computer readable form (CFR) copy of the "Sequence Listing," and a substitute paper copy of the "Sequence Listing." Applicant's did not receive an error report with the Notice the Comply with Sequence Listing Requirement. The enclosed sequence listing was prepared with PatentIn v 3.0 which includes the Checker Program, accordingly Applicants believe the sequence listings is in compliance with the requirements of 37 CFR §§ 1.821 and 1.823. SEQ ID NO: 2 of the sequence listing has been

Express Mail Label No.: EL583246297US  
Date of Deposit: June 5, 2001

Attorney Docket No. 21272-034



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### TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- Response to Notice to File Missing Parts, Preliminary Amendment and Response to Notice to Comply With Sequence Listing Requirement Under 37 CFR §§ 1.821 - 1.825 (2 pgs.);
- Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
- Check No. 9104 in the amount of \$65.00 to cover balance due by Applicants (including Surcharge);
- Combined Declaration and Power of Attorney of Menq-Yun Wang (4 pgs.) and Combined Declaration and Power of Attorney of Bryan J. Boyle, Nancy K. Mize, Matthew C. Arterburn, George Yeung, Y. Tom Tang, Chenghua Liu, Radoje T. Drmanac, Lichuan Chen and Yea-Huey Yang (4 pgs.);
- Sequence Listing (one diskette);
- Paper copy of sequence listing (17 pgs.);
- Statement in Support of Computer Readable Form (1 pg.);
- Copy of Verified Statement (Declaration) Claiming Small Entity Status (37 CFR § 1.9(f) and 1.27(c)) - Small Business Concern
- Petition for Extension of Time (duplicate);
- Check No. 9105 in the amount of \$695.00 to cover extension fee; and
- Return postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 617-542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, (Ref. No.21272-034). A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,



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Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/676,135	09/29/2000	Bryan J. Boyle	HYS-28

## FORMALITIES LETTER

Hyseq Inc  
670 Almanor Avenue  
Sunnyvale, CA 94085



\*OC00000005598758\*

Date Mailed: 12/05/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 345 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$90.
  - \$90 for 10 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason (s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

06/12/2001 02ERGAW1 00000026 09676135

01 FC:205

65.00 0P

01/09/2002 02ERGAW1 00000026 09676135  
01 FC:201  
02 FC:203  
55  
345.00 0P  
90.00  
12/5/00

- The balance due by applicant is \$ 500.

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Creation date: 30-12-2002

Indexing Officer: EWODAJE - Eleni Wodaje

Team: CENTRALSCANPRINT

Dossier: 09676135

Legal Date: 12-08-2002

No.	Doccode	Number of pages
1	C.AD	1

Total number of pages: 1

Remarks:

Order of re-scan issued on .....